

Wee Care Nursery School abuse trial

The **Wee Care Nursery School**, located in **Maplewood, New Jersey**, was the subject of a **day care child abuse** case that went to trial in the 1980s.^{[1][2]} Although Margaret Kelly Michaels was initially prosecuted, the decision was overturned after she spent five years in prison. An appellate court ruled that several issues in the original trial had produced an unjust ruling and the conviction was reversed.^[3] The case caught the attention of several psychologists who were concerned about the interrogation methods used and the quality of the children's testimony in the case.^[4] This led to an era of more thorough research on the topic of children's memory and **suggestibility**, resulting in updated recommendations for conducting interviews with child victims and witnesses.^{[5][6]}

1 Accusation

In April 1985, a nurse took the temperature of a 4-year-old boy with a **rectal thermometer** and the boy said, "That's what my teacher does to me at nap time at school." The comment was reported to the local authorities, and all the children at the Wee Care Nursery School were questioned.^[7] Social workers and therapists collected testimony from 51 children from the day care center. During the interviews, children made accusations such as that Michaels forced them to lick peanut butter off of her genitals, that she penetrated their rectums and vaginas with knives, forks and other objects, that she forced them to eat cakes made from human excrement and that she made them play duck, duck, goose while naked. Michaels was indicted for 235 counts of sexual offenses with children and youths.^[3] She denied the charges.^[8]

2 Trial

The trial began on June 22, 1987.^[3] "The prosecution produced expert witnesses who said that almost all the children displayed symptoms of sexual abuse."^[9] Prosecution witnesses testified that the children "had regressed into such behavior as bed-wetting and defecating in their clothing. The witnesses said the children became afraid to be left alone or to stay in the dark. They also testified that the children exhibited knowledge of sexual behavior far beyond their years."^[9] Some of the other teachers testified against her.^[9] The defense argued that Michaels had not had the opportunity to take the children to a location where all of the alleged activities could have taken place

without being noticed.^[9]

After nine months, the case went to the jury for deliberation. At that time, 131 counts remained, including charges of aggravated sexual assault, sexual assault, endangering the welfare of children, and making terroristic threats. The jury deliberated for 12 days before Michaels was convicted of 115 counts of sexual offenses involving 20 children.^[3]

On August 2, 1988, Michaels was sentenced to 47 years in prison, with no possibility for parole for the first 14 years.^[3] The judge "said the facts in the case were *sordid, bizarre and demeaning* to the children."^[10] Michaels "told the judge that she was confident her conviction would be overturned on appeal."^[10]

3 Release

In March 1993, after five years in prison, Michaels' appeal was successful and she was released.^[3] The **New Jersey Supreme Court** overturned the lower court's decision and declared "the interviews of the children were highly improper and utilized coercive and unduly suggestive methods."^[11]

A three-judge panel ruled she had been denied a fair trial because "the prosecution of the case had relied on testimony that should have been excluded because it improperly used an expert's theory, called the **child sexual abuse accommodation syndrome**, to establish guilt."^[12] In June 1993, the State Supreme Court refused to hear the prosecutor's appeal of the decision.^[13] In February 1994, "the court heard arguments...about the admissibility of evidence."^[1]

In December 1994, the prosecution dropped the attempt to retry the case "because too many obstacles had been placed in the way of a successful retrial."^[14] The major hurdle was that "if the state decided to reprosecute Michaels, it must produce 'clear and convincing evidence' that the statements and testimony elicited by the improper interview techniques are reliable enough to warrant admission."^[14] "While the Supreme Court stopped short of instructing the prosecutor to drop the case, the court made it clear that it believed the children's testimony would not hold up."^[14]

4 Interrogation methods

During Michaels' appeal, researchers Maggie Bruck and Stephen Ceci prepared an amicus brief regarding the case that pointed out several problems with the children's testimony that was the primary evidence. Some of the issues that were addressed were the role of interviewer bias, repeated questions, peer pressure, and the use of anatomically correct dolls in contaminating the children's testimony. These interview techniques could have led to memory errors or false memories. In addition to the problems with the interviews themselves, the fact that there were no recordings of initial interviews meant that important evidence was missing; therefore, it was not possible to determine the origin of some of the information that children reported (i.e., it could have been suggested to them by interviewers in the early interviews.^[4]

Interviews from the Wee Care Nursery School and McMartin preschool trials were examined as part of a research project on the testimony of children questioned in a highly suggestive manner. Compared with a set of interviews from Child Protective Services, the interviews from the two trials were "significantly more likely to (a) introduce new suggestive information into the interview, (b) provide praise, promises, and positive reinforcement, (c) express disapproval, disbelief, or disagreement with children, (d) exert conformity pressure, and (e) invite children to pretend or speculate about supposed events."^[15]

5 See also

- Day care sexual abuse hysteria
- List of wrongful convictions in the United States

6 References

- [1] Sullivan, J. (February 4, 1994). "In Retrying Abuse Case, A New Issue". *New York Times*. Retrieved 2007-01-21. Just how to prevent fantasy from being presented as fact in sex-abuse cases is facing the New Jersey Supreme Court in the wake of one of the most sensational of the spate of cases involving day-care workers during the 1980's. The court heard arguments today about the admissibility of evidence in the case of Margaret Kelly Michaels, who was convicted of sexually molesting 19 children, many of them 3- and 4-year-olds, during her seven-month employment at Wee Care Nursery in Maplewood. She served 5 years of a 47-year sentence before her conviction was overturned early last year.
- [2] "Nightmare at the Day Care: The Wee Care Case". *Crime Magazine*. Retrieved 2007-08-21.
- [3] State of New Jersey v. Margaret Kelly Michaels (1993). 264 N.J. Super. 579; 625 A.2d 489
- [4] Bruck, Maggie; Ceci, Stephen J. (1995). "Amicus brief for the case of state of New Jersey v. Michaels presented by committee of concerned social scientists". *Psychology, Public Policy, and Law*. **1** (2): 272–322. doi:10.1037/1076-8971.1.2.272.
- [5] La Rooy, David. "As the Vatican is confronted by the UN we must remember that the best evidence in child abuse cases will come from the victims themselves.". *The Independent*. Retrieved 2014-02-08.
- [6] Lamb, M.E.; Orbach, Y.; Hershkowitz, I.; Esplin, P. W.; Horowitz, D. (2007). "A structured forensic interview protocol improves the quality and informativeness of investigative interview with children: A review of research using the NICHD investigative interview protocol". *Child Abuse and Neglect*. **31** (11–12): 1201–1231. doi:10.1016/j.chiabu.2007.03.021. PMID 18023872.
- [7] "The Kelly Michaels Case". University of Missouri-Kansas City School of Law. Retrieved 2007-08-26.
- [8] Narvaez, A. (February 28, 1988). "Former Day-Care Teacher Denies Sexually Abusing Schoolchildren". *New York Times*. Retrieved 2007-01-21.
- [9] Narvaez, A. (March 29, 1988). "Legal Arguments End in Jersey Child-Abuse Trial". *New York Times*. Retrieved 2007-01-21. Legal arguments in the nine-month trial of a day-care teacher accused of sexually abusing 20 children at a center in Maplewood ended here today.
- [10] Rangel, J. (June 3, 1994). "Ex-Preschool Teacher Sentenced to 47 Years in Sex Case in Jersey". *New York Times*.
- [11] Seth Mydans (June 3, 1994). "Prosecutors Rebuked in Molestation Case". *New York Times*. Retrieved 2007-08-21.
- [12] Fiason, F. (March 27, 1993). "Child-Abuse Conviction Of Woman Is Overturned". *New York Times*. Retrieved 2007-01-21.
- [13] "Court Rejects Bid to Restore Abuse Verdict". *New York Times*. June 10, 1993. Retrieved 2007-01-21.
- [14] Nieves, E. (December 3, 1994). "Prosecutors Drop Charges In Abuse Case From Mid-80's". *New York Times*. Retrieved 2007-01-21. Ending one of the most sensational child sex-abuse scandals in the nation, prosecutors today formally dropped their case against Margaret Kelly Michaels, the former day care teacher who spent five years in prison before her 1987 conviction was overturned on appeal last year.
- [15] Schreiber, Nadja; Lisa Bellah, Yolanda Martinez, Kristin McLaurin, Renata Stok, Sena Garven and James Wood (2006). "Suggestive interviewing in the McMartin Preschool and Kelly Michaels daycare abuse cases: A case study". *Social Influence*. Psychology Press. **1** (1): 16–46. doi:10.1080/15534510500361739.

7 External links

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- [Wee Care Nursery School at the Ontario Consultants on Religious Tolerance](#)

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